

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:13-CT-3030-FL

CHRISTOPHER JOHANNE GARRIS, )

Plaintiff, )

v. )

ORDER

LIEUTENANT STEVEN G. AVERETT, )

SERGEANT C. JONES, OFFICER A. )

ROBINSON, OFFICER J. KENTRELL, )

OFFICER D. ETTISON, OFFICER T. )

POTEAT, OFFICER C. HOLLOWAY, )

and OFFICER DROWN, )

Defendants. )

Plaintiff, a state inmate, filed this civil rights action pursuant to 42 U.S.C. § 1983. The matter is before the court for frivolity review pursuant to 28 U.S.C. § 1915. Also before the court is plaintiff's motion for an order directing the release of video footage (DE 10). The issues raised are ripe for adjudication.

The court begins with its frivolity review of plaintiff's action. Plaintiff's complaint is unclear and he must particularize his allegations. Specifically, plaintiff must name the party responsible for his alleged deprivation, the injury stemming from the party's actions or inactions, and the alleged facts to support his claim. Plaintiff further is on notice that he must connect the named defendant with the alleged conduct which resulted in the alleged constitutional violation. Moreover, plaintiff is reminded that his amended complaint must comply with Federal Rule of Civil Procedure 8, which provides: "A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." Fed.RCiv.P.

8(a)(2). Further, the court notifies plaintiff that his amended complaint will be considered his complaint in its entirety, and the court will not review plaintiff's other filings to glean any misplaced claims. Finally, the court warns plaintiff that his response must be limited to the subject matter of his complaint, and is not an invitation to make additional, unrelated allegations.

The court now turns to plaintiff's motion requesting that the court order Polk Correctional Institution to release the video of the alleged use of force incident which occurred on March 10, 2012. Defendants have not yet been served. Accordingly, any discovery requests at this point in the proceedings are premature. The court further instructs plaintiff to make his discovery request directly to defendants. Based upon the foregoing, plaintiff's motion is DENIED as premature.

In summary, plaintiff must file his particularized complaint as directed above within fourteen (14) days of this court's order. Failure to respond to this court's order will result in dismissal of this action without prejudice. Plaintiff's motion to release video footage (DE 10) is DENIED as premature.

SO ORDERED, this the 10th day of October, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge